

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 96-327-E - ORDER NO. 97-582  
JULY 9, 1997

IN RE: Residents of Red Hill Area of	)	ORDER
Lee County,	)	ASSIGNING
	)	TERRITORY
Complainants/Petitioners,	)	
	)	
vs.	)	
	)	
City of Camden and Black River	)	
Electric Cooperative,	)	
	)	
Defendants/Respondents.	)	
	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Complaint-Petition of the residents of the Red Hill area of Lee County against the City of Camden and the Black River Electric Cooperative. The residents complain of inadequate electric service furnished by the City of Camden, and request that their service be switched to the Black River Electric Cooperative.

A hearing was held on this matter on June 25, 1997 at 2:30 PM in the offices of the Commission, with the Honorable Guy Butler presiding. H. Wayne Capell and Danny Barnhill, two residents of the Red Hill area of Lee County appeared and presented testimony. The City of Camden (the City) was represented by James M. Brailsford, III, Esquire. The City presented the testimony of

G.F. Broom, Jr. and A.J. Molnar, IV. Black River Electric Cooperative (Black River or the Cooperative) was represented by Pinckney Roberts, Esquire. Black River presented no witnesses. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

First, the City moved to strike the portion of the Petition related to the fact that the Petitioners lived outside the City and had no vote for City officials. We deny the Motion. It appears to this Commission that this factor is somewhat relevant to the matters before the Commission at this time.

H. Wayne Capell testified as one of the Petitioners. Capell stated that he first complained to the City in August of 1990 about low voltage problems. The City wrote Capell and indicated that they had installed a voltage regulator which they felt would correct the low voltage problems at his house. Capell testified that he has never been satisfied, and that, despite the representations by the City that his voltage level should be satisfactory, he continued to have problems with low voltage. Capell states his belief that this low voltage contributed to his having to replace electronic equipment, TV's, VCR's, and many phone answering machines. Capell notes that his house is next to last on the line being serviced by the City of Camden. Capell discovered that his neighbors were having similar problems.

Capell further testified that during summer months various electric clocks have to be reset two to four times a week due to power surges or power outages. Apparently, these problems occur

during the rest of the year as well.

Capell asks that this Commission authorize a change of his electric service to Black River, which is in close proximity to his area, due to inadequate service by the City. Capell believes that he would have more of a voice with the Cooperative than he does with the City.

Danny Barnhill, another one of the residents, also testified. Barnhill complains of random losses of power from the City, to the point where he and his family must sometimes go to relatives' homes to prepare for work or school. Further, power surges damaged his appliances. Barnhill also asks that his electric service be switched to Black River.

The Commission is in receipt of a Petition from various residents of the area asking for the same relief.

The City presented the testimony of G.F. Broom, Jr., the City Manager of Camden, and of A.J. Molnar, IV, an engineer.

Broom testified that Camden City Council authorized a study of the problem, and that that study revealed certain changes to the City's electric system that would relieve the problems complained of by the Complainants in this case.

Molnar participated in the study of the problems. According to Molnar, the study confirmed that there were system inadequacies in the Complainant's area, even though the City had attempted to correct the problems. Molnar recommended certain changes, that he believes solves the problems.

Under S.C. Code Annotated Section 58-27-10 (1976), the term

"electrical utility" includes municipalities to the extent of their operations outside the corporate limits of the municipality. Further, under Section 58-27-1510 (1976), every electrical utility shall furnish adequate, efficient, and reasonable service. In addition, City of Orangeburg v. Moss, 262 S.C. 749, 204 S.E.2d 377 (1974) held that this Commission has jurisdiction to regulate the activities of a municipality in providing electric service to customers outside the boundaries of a municipality.

We note that the Red Hill area is outside the City limits of Camden. However, there is no showing by any City witness that the City of Camden was properly serving the Red Hill area with electric service in the first place. City witness Broom stated only that "based on our records and recollection at City Hall, our Pisgah circuit was constructed in the 1940's in order to supply electricity to the residents along that route including Red Hill." Witness Molnar noted that "The Pisgah circuit is the circuit out of the DeKalb Street substation which covers a great deal of the area southeast of the City of Camden including the Red Hill area of Lee County." The City does not state whether it received a certificate of public convenience and necessity in the 1940's to construct the service, or whether the situation met one of the exceptions listed in S.C. Code Ann. Section 58-27-1230 (1976). Clearly, the extension was built after 1932, so the (a) exception does not apply. Further, however, as stated, it is not determinable from the record whether the Pisgah circuit was an extension within or to territory already served by it, necessary

in the ordinary course of its business as stated in section (b) of the statute, or whether the Pisgah circuit was an extension into territory contiguous to that already occupied by it and not receiving similar service from another electrical utility as noted in section (c). We take judicial notice of the fact that we have no certificate in the files of the Commission that would have authorized the construction of the circuit.

Consequently, since the City of Camden has not established its legal right to service the Red Hill area, we hereby assign the area to the Black River Electric Cooperative, pursuant to S.C. Code Ann. Section 58-27-640 (1976). Under this section, the Commission shall make assignments of areas in accordance with public convenience and necessity considering, among other things, the location of existing lines and facilities of electric suppliers and the adequacy and dependability of the service of electric suppliers.

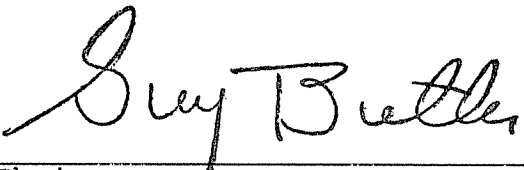
We note from the testimony that the Black River Electric Cooperative has lines in close proximity to the petitioners' locations in the Red Hill area. Second, we take judicial notice of the fact that Black River Electric Cooperative has historically provided adequate and dependable service. The same cannot be said for the provision of electric service by the City of Camden to the Red Hill area. The citizens suffered from serious variations in voltage to the point where appliances were damaged. Further, outages were common, especially in the summer months when the electric load was heaviest. Although we do think that the City of

Camden has attempted to resolve the problems, the citizens have asked for a change to an electric supplier generally known for its adequate and dependable service. The public convenience and necessity demand a change for the Red Hill area to the Black River Electric Cooperative.

We hereby assign the Red Hill area to the Black River Electric Cooperative. We therefore order the City of Camden and Black River to coordinate an orderly transition of electric service in the Red Hill area from the City of Camden to Black River, and order that both parties ensure that no customer in the area is left without power during the transition.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)